

REMARKS

In view of the preceding amendments and the following comments, and pursuant to 37 C.F.R. § 1.111, Assignee respectfully requests reconsideration of the Office Action.

Interview Summary

Assignee thanks the Examiner, Jamie H. Swartz, for the courtesies extended to Assignee's representative, Robert Summers (reg. no. 57,844), during the telephonic interview held on March 03, 2009. During the interview, the 35 U.S.C. § 132 rejection of claims 1 and 6 was discussed. Although no agreement was reached, the Assignee's representative demonstrated that the Application, at ¶¶ 0094-0099 and Figure 5, as well as what would have been known by a person skilled in the relevant art in view of Figure 5, provide ample support for the features as recited in claims 1 and 6. Thus, claims 1 and 6 do not include new matter. As the Examiner will note in reviewing the amendments to claims 1 and 6, Assignee elected to amend these claims to further clarify the features recited therein, the amendments are supported by the Application, and thus, no new matter is introduced by these amendments.

Summary of the Amendment

Claims 1-10 and 21-25 are currently pending in the present application. Claims 1, 6, 8, 21, 23, 24, and 25 were amended. Support for the amendments can be found at least in the originally filed claims, ¶¶ 0041, 0052, 0080, 0085, 0091, 0094-0100, and Figures 5, 12-13, and 17. No new matter has been added. Assignee respectfully requests reconsideration of pending claims 1-10 and 21-25, and allowance of the present application in view of the amendments and the following remarks.

Detailed Remarks

I. Database Architecture Fundamentals – Primary Keys and Foreign Keys

The features of claims 1 and 6 are directed to customers, represented as participants, assigned to multiple accounts. The Application, at ¶ 0052 and Figure 5, describes an entity-relationship diagram that demonstrates the use of primary keys and

foreign keys that a person skilled in the relevant art would understand provides ample support for the features as recited in claims 1 and 6. The Appendix, at page 16 of this Response, provides an excerpt from a non-patent document, Steve Bobrowski, Oracle 8 Architecture, Publisher: Osborne/McGraw-Hill; (1998), ISBN 0-07-882274-2, Pages: 30-32, ("Bobrowski"), that describes the purpose of primary keys and foreign keys as shown in Figure 5 of the Application. Bobrowski has also been cited in an information disclosure statement filed with this Response. Bobrowski, at page 31, in pertinent part recites:

"A primary key is a column that uniquely identifies the rows in a table. For example, a customer table might include an ID column to uniquely identify the customer records within. Referential integrity ensures that each column value in a foreign key of a child (or detail) table matches a value in the primary or an alternate key of a related parent (or master) table. Figure 2-3 illustrates the terminology and concepts related to referential integrity."

In the same way that Bobrowski, at Figure 2-3, demonstrates that the parent table "DEPT" employs the "deptno" column as a primary key and the child table "EMP" employs the "deptno" column as a foreign key to express the relationship where a single department comprises multiple employees ("empno"), the Application, at Figure 5, provides support for a customer as a participant of multiple accounts.

II. Rejections Under 35 U.S.C. § 132(a)

The Office Action objected to claims 1 and 6, asserting that the amendment filed on March 7, 2008 introduced new matter into the disclosure. The Office Action, at page 3, asserts that the feature "assigning at least one of a plurality of participants also to a second account" added to claims 1 and 6 is neither taught by the claims as originally filed nor the specification. In view of the amendments to independent claims 1 and 6, Assignee respectfully traverses these rejections.

Independent claim 1, as amended, recites "establishing a plurality of participants, comprising: a first participant representing a first customer as a participant of a first account; a second participant representing the first customer as a participant of a second account; and a third participant." Claim 1 further recites "assigning the first participant and the third participant to the first account." Claim 1 also recites "assigning

the second participant to the second account.” The Application, at ¶¶ 0094-0099, indicates that the “three-tiered structure according to the present invention gives insurers the ability to combine one or more customers and their offerings (such as policies) with accounts as participants” and describes “a participant, which links customers to accounts.” In other words, participants represent customers assigned to accounts. The Application, at ¶ 0052 and Figure 5, describes an entity-relationship diagram of an account involvement entity 502 that comprises foreign keys, FK1 account ID and FK2 customer ID. The Application, at ¶ 0052 and Figure 5, further describes these foreign keys, FK1 account ID and FK2 customer ID of the account involvement entity class 502, as primary keys for customer entity 402 and account entity 302, respectively. Clearly, within the account involvement entity class 240, the composite key defined by the foreign keys, FK1 account ID and FK2 customer ID, of the account involvement entity 502 reasonably conveys to a person skilled in the relevant art that a single customer ID may be combined with multiple account IDs. And vice versa Figure 5 demonstrates that a single account ID may be combined with multiple customer IDs because the account involvement entity class 240 may be instantiated as an array of multiple accounts with a single customer and a single account with multiple customers. Assignee respectfully submits that a person skilled in the relevant art would understand that the entity-relationship diagram, as shown at Figure 5 and described in the Application, provides support for a customer as a participant of multiple accounts. Thus, the features of claim 1, as amended, are taught by the Application and do not introduce new matter.

Independent claim 6, as amended, recites “establishing a plurality of participants, comprising: a first participant representing a first customer as a participant of a first account; a second participant representing the first customer as a participant of a second account; and a third participant.” Claim 6 further recites “assigning the first participant and the third participant to the first account.” Claim 6 also recites “assigning the second participant to the second account.” The foregoing remarks pertaining to claim 1 are incorporated herein. For at least the same reasons as above regarding

claim 1, the features of claim 6, as amended, are taught by the Application and do not introduce new matter.

III. Rejections Under 35 U.S.C. § 112

The Office Action rejected claims 1-10 and 12-25 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Office Action further rejected claims 1-10 and 12-25 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Assignee regards as the invention. In view of the amendments to independent claims 1 and 6, and claims 8 and 21, which depend from claim 6, Assignee respectfully traverses these rejections.

IV. Rejections Under 35 U.S.C. § 103

The Office Action rejected claims 1, 3-10, 21-22, and 25 under 35 U.S.C. §103(a) as being unpatentable over Hele et al. (U.S. Patent Publication No. 2002/0111835 A1) in view of University of Arizona (2001) in further view of Heise et al. (U.S. Patent Publication No. 2003/0074229 A1) in further view of Atkins et al. (U.S. Patent No. 6,240,422 B1). The Office Action rejected claim 2 under 25 under 35 U.S.C. §103(a) as being unpatentable over Hele in view of University of Arizona in further view of Heise in further view of Official Notice in further view of Atkins. The Office Action rejected claims 23 and 24 under U.S.C. §103(a) as being unpatentable over Hele in view of University of Arizona in further view of Heise in further view of Perusse (1998) in further view of Official Notice in further view of Atkins.

Claims 1-5 and 25

Independent claim 1, as amended, recites “establishing a plurality of participants, comprising: a first participant representing a first customer as a participant of a first account; a second participant representing the first customer as a participant of a second account; and a third participant.” Claim 1 further recites “assigning the first participant and the third participant to the first account.” Claim 1 also recites “performing underwriting pattern analysis on data at each of the first tier, the second tier and the third tier of the data structure” and “providing an account level underwriting

decision at an account level based upon data related to the plurality of participants assigned to the first account; and displaying data related to the account level underwriting decision and the underwriting pattern analysis.” The Application, at ¶¶ 0094-0099, indicates that the first tier of the three-tiered structure is the account, the second tier is the participant, which provides information regarding the customers, and the third tier includes the offerings. The Application, at ¶¶ 0099 and Figures 12 and 13, indicates that “business rules at all three levels of the three-tiered structure” may be written and “pattern analysis” can be “used at each level to assist the insurer in defining and executing business rules and decisions.” The Office Action, at page 5, asserts that Hele, in combination with Heise, the University of Arizona and Atkins, (the “Hele-Arizona-Heise-Atkins combination”), discloses all the features of claim 1.

However, the Hele-Arizona-Heise-Atkins combination does not teach or suggest performing underwriting pattern analysis on data at each of the first tier, the second tier and the third tier of the data structure, as claimed. Instead, Hele is directed to a method, software and system for underwriting life insurance based on a single user profile. Hele, at ¶¶ 0005 and 0046, describes pricing a life insurance policy for a user as a function dependent on an individual user profile. Hele, at ¶ 0083 and 0085, indicates “that values from a user profile can be compared,” and “attributes for cholesterol blood levels, age and sex can be retrieved from a user profile and compared against rules to classify the user.” Thus, Hele alone, or in any combination with the University of Arizona, Heise or Atkins, cannot be read to teach or suggest performing underwriting pattern analysis on data at each of the first tier, the second tier and the third tier of the data structure, as claimed.

The University of Arizona fails to fill the gap left by Hele. The University of Arizona, at page 1, describes enrolling employees into plans. Thus, Hele alone, or in any combination with the University of Arizona, Heise or Atkins, cannot be read to teach or suggest performing underwriting pattern analysis on data at each of the first tier, the second tier and the third tier of the data structure, as claimed.

Heise fails to fill the gap left by Hele and the University of Arizona. Instead, Heise is directed to a system and method for navigating a user through features of a

plan design, implementation and administration. Heise, at ¶ 0203, indicates that plan sponsors or participants may “track the performance of and compare various financial products that might be used to informally fund the plan.” Heise does not express even the slightest notion of performing underwriting pattern analysis on data at each of the first tier, the second tier and the third tier of the data structure, as claimed. Thus, Hele alone, or in any combination with the University of Arizona, Heise or Atkins, cannot be read to teach or suggest performing underwriting pattern analysis on data at each of the first tier, the second tier and the third tier of the data structure, as claimed.

Atkins fails to fill the gap left by Hele, the University of Arizona, and Hiese. Atkins is directed to that uses an object to relational database mapping infrastructure to map C++ objects and their relationships to and from a relational database. Atkins, at col. 11, ll. 1-4, describes “mapping a row from the database to objects in memory.” Thus, Hele alone, or in any combination with the University of Arizona, Heise or Atkins, cannot be read to teach or suggest performing underwriting pattern analysis on data at each of the first tier, the second tier, and the third tier of the data structure, as claimed. Thus, claim 1 is patentable over the references taken alone or in combination.

For at least the same reasons as above regarding claim 1, claims 2-5 and 25, which depend from claim 1, are patentable over the references taken alone or in combination.

Claims 6-10 and 21-24

Independent claim 6, as amended, recites “a first participant representing a first customer as a participant of a first account; a second participant representing the first customer as a participant of a second account; and a third participant.” Claim 6 further recites “assigning the first participant and the third participant to the first account.” Claim 6 also recites “performing underwriting pattern analysis on data at each of the first tier, the second tier and the third tier of the data structure.” The foregoing remarks pertaining to claim 1 are incorporated herein. For at least the same reasons as above regarding claim 1, independent claim 6, as amended, is patentable over the references taken alone or in combination.

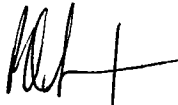
For at least the same reasons as above regarding claim 6, claims 7-10 and 21-24, which depend from claim 6, are also patentable over the references taken alone or in combination.

Conclusion

With this response, the presently pending claims of this application are allowable, and Assignee respectfully requests the Examiner issue a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

**BRINKS
HOFER
GILSON
& LIONE**

Respectfully submitted,



Robert D. Summers Jr.
Registration No. 57,844
Attorney for Assignee

BRINKS HOFER GILSON & LIONE
CUSTOMER NO. 28164
Telephone: (312) 321-4200
Facsimile: (312) 321-4299

Application Serial No. 10/783,841
Response Dated March 13, 2009
Response to Office Action mailed November 13, 2008

Appendix

Non-Patent Document: Steve Bobrowski, Oracle 8 Architecture, Publisher: Osborne/McGraw-Hill; (1998), ISBN 0-07-882274-2, Pages: 30-32.